

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 454**

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**Introduced by Senator Corbett**

February 21, 2013

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An act to add Chapter 8.7 (commencing with Section 44268) to Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, as amended, Corbett. Public resources: electric vehicle charging stations.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, which authorizes, among other things, upon appropriation by the Legislature, a grant program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources that include a residential plug-in electric vehicle charging station.

Existing law also creates a grant program for the purchase and lease of zero-emission vehicles, as defined, in the state to be developed and administered by the State Air Resources Board in conjunction with the commission. The program provides grants to specified recipients in an

amount equal to 90% of the incremental cost above \$1,000 of an eligible new zero-emission light-duty car or truck, as defined.

This bill would create the Electric Vehicle Charging Stations Open Access Act, which would prohibit the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and would prohibit a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The bill would require the total actual charges for the use of an electric vehicle charging station to be disclosed to the public at the point of sale. The bill would require an electric vehicle charging station to provide to the general public 2 specified options of payment.

This bill would require the service provider of electric vehicle service equipment, as defined, at an electric vehicle charging station, as defined, to disclose to the National Renewable Energy Laboratory the charging station's geographic location, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any.

This bill, if no interoperability billing standards have been adopted by a national standards organization by January 1, 2015, would authorize the state board to adopt interoperability billing standards, as defined, for network roaming payment methods for electric vehicle charging stations, and would require, if the state board adopts standards, all electric vehicle charging stations that require payment to meet those standards within one year. ~~The bill also would require the state board to maintain a toll-free telephone number and email address or an Internet Web site to collect consumer complaints regarding violations of these provisions. The bill would authorize the state board to respond to consumer complaints and would require the state board to summarize those complaints by number and type of complaint and make the summary available to the public annually.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is the nation's largest market for cars and
- 4 light-duty trucks.

1 (b) The transportation sector is the biggest contributor to  
2 California's greenhouse gas emissions and accounts for  
3 approximately 40 percent of these emissions.

4 (c) California should encourage the development and success  
5 of zero-emission vehicles to protect the environment, stimulate  
6 economic growth, and improve the quality of life in the state.

7 (d) California should encourage and support the development  
8 of infrastructure for open and accessible public charging stations.

9 (e) In order to reach the goal of 1.5 million electric drive  
10 vehicles in California by 2025, electric vehicle (EV) consumers  
11 need confidence that they can access a robust network of publicly  
12 available EV charging stations. Any EV driver should be able to  
13 access any publicly available EV charging station, regardless of  
14 the system provider.

15 (f) EV consumers and drivers need to be able to find the stations  
16 and know how much they cost.

17 (g) It is the intent of the Legislature to (1) promote a positive  
18 driving experience by assisting in the widespread deployment of  
19 electric vehicles, (2) not limit the ability of a property owner or  
20 lessee of publicly available parking spaces, as defined in Section  
21 44268, to restrict use of or access to those parking spaces to its  
22 customers, and (3) facilitate expanded EV driver access to electric  
23 vehicle charging stations in public places.

24 SEC. 2. Chapter 8.7 (commencing with Section 44268) is added  
25 to Part 5 of Division 26 of the Health and Safety Code, to read:

26  
27 CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN  
28 ACCESS ACT  
29

30 44268. As used in this chapter, the following terms have the  
31 following meanings:

32 (a) "Battery" means an electrochemical energy storage system  
33 powered directly by electrical current.

34 (b) "Electric vehicle" means a vehicle that uses a plug-in battery  
35 to provide all or part of the motive power of the vehicle, including  
36 battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

37 (c) "Electric vehicle charging station" means one or more  
38 publicly available parking spaces served by electric vehicle service  
39 equipment.

(d) “Electric vehicle service equipment” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

(e) “Interoperability billing standards” means the ability for a member of one electric charging station billing network to use another billing network.

(f) “Network roaming” means the act of a member of one electric vehicle charging station billing network using a charging station that is outside of the member’s billing network with his or her billing network account information.

(g) “Publicly available parking space” means a parking space that has been designated by a property owner or lessee to be available to, and accessible by, the public and may include on-street parking spaces and parking spaces in surface lots or parking garages. “Publicly available parking space” shall not include a parking space that is part of, or associated with, a private residence, a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building, or a parking space provided by a producer of electric vehicles as a service. Nothing in this article limits the ability of an owner or lessee of a publicly available parking space whose primary business is other than electric vehicle charging from restricting use of the parking space, such as limiting use to customers and visitors of the business.

44268.2. (a) (1) Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. The total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, shall be disclosed to the public at the point of sale. An electric vehicle charging station that requires payment of a fee shall allow a person desiring to use the station to pay via credit card or mobile technology, or both.

1 (2) Notwithstanding paragraph (1), an electric vehicle charging  
2 station may offer services on a subscription- or membership-only  
3 basis provided those electric vehicle charging stations allow  
4 nonsubscribers or nonmembers the ability to use the electric vehicle  
5 charging station through the payment options detailed in paragraph  
6 (1).

7 (b) The service provider of electric vehicle service equipment  
8 at an electric vehicle charging station or its designee shall disclose  
9 to the National Renewable Energy Laboratory the electric vehicle  
10 charging station's geographic location, a schedule of fees, accepted  
11 methods of payment, and the amount of network roaming charges  
12 for nonmembers, if any.

13 (c) Electric vehicle charging stations shall be labeled in  
14 accordance with Part 309 of Title 16 of the Code of Federal  
15 Regulations, and, where commercially reasonable and feasible,  
16 may be clearly marked with appropriate directional signage in the  
17 parking area or facility where they are located.

18 (d) If no interoperability billing standards have been adopted  
19 by a national standards organization by January 1, 2015, the state  
20 board may adopt interoperability billing standards for network  
21 roaming payment methods for electric vehicle charging stations.  
22 If the state board adopts interoperability billing standards, all  
23 electric vehicle charging stations that require payment shall meet  
24 those standards within one year. Any standards adopted by the  
25 state board shall consider other governmental or industry-developed  
26 interoperability billing standards and may adopt interoperability  
27 billing standards promulgated by an outside authoritative body.

28 ~~(e) The state board shall maintain a toll-free telephone number~~  
29 ~~and email address or an Internet Web site to collect consumer~~  
30 ~~complaints regarding violations of this section. The state board~~  
31 ~~may respond to complaints. The state board shall summarize the~~  
32 ~~complaints by number and type of complaint and make the~~  
33 ~~summary available to the public annually.~~